

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WALTER SMITH,

Plaintiff,

v.

BETH LIND, *et al.*,

Defendants.

SUPPLEMENTAL
PRELIMINARY PRETRIAL
CONFERENCE ORDER

14-cv-796-slc

At the May 13, 2016, the court neglected to set deadlines for identifying the “Doe” defendant, an unnamed dietician against whom plaintiff has a First Amendment claim (and may have a RLUIPA claim if this Doe defendant is a WDOC central office employee). To remedy that oversight, the court is supplementing the preliminary pretrial conference order with these deadlines.

Identifying the Doe Defendants: July 1, 2016

A): Plaintiff shall complete service of his discovery requests aimed at identifying his Doe defendant. It is important for plaintiff to prepare clear, thorough discovery requests so that the defendants’ attorneys and the institution have enough information to provide useful responses. It is not the responsibility of the defendants’ attorneys or the institution to determine the identity of the Doe defendant on their own. Upon receipt of plaintiff’s discovery requests relating to Doe defendant, the defendants’ attorneys should endeavor to provide the requested information as soon as possible but not later than the time allowed by the federal rules of civil procedure. Although the defendants’ attorneys and the institution have no duty to conduct a proactive investigation, the court expects them to use good faith best efforts promptly to identify the Doe defendant in this case.

The defendants’ attorneys should file with the court a copy of their responses to plaintiff’s discovery requests relating to the Doe defendant. The defendants’ attorneys also must report to the court whether they will accept service of the amended complaint on behalf of the Doe defendant. If counsel chooses not to accept service, then counsel must provide to the court, *ex parte* and under

seal, the known address of the now-identified Doe defendant so that the Marshals Service may serve them with the amended complaint.

B) : August 12, 2016: Plaintiff shall file an amended complaint. The caption of the document shall be changed to identify it as the *amended* complaint. All that plaintiff needs to do in this document is tell the court the actual identity of his Doe defendant. Plaintiff does not need to—in fact is not allowed to—make any other changes to his complaint without first asking for and receiving permission from the court.

Note well: If plaintiff does not file an amended complaint identifying the Doe defendant by the deadline, then this court could dismiss all of plaintiff's claims against the Doe defendant.

C): September 2, 2016: The now-identified Doe defendant shall file and serve his/her answer or other response to plaintiff's amended complaint.

Entered this 27th day of May, 2016.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge